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FACSIMILE TRANSMISSION**DATE: September 8, 2005**

TO: EXAMINER: Klaus, Lisa Nhung
GROUP: Art Unit 2832
U.S. Patent and Trademark Office
Fax. No.: 703-872-9306

FROM: Maria Goldman
Assistant to Adrian T. Calderone

NO. OF PAGES TO FOLLOW: 5

MESSAGE:

Re: Burgess et al. U.S. Patent Appln. SN 10/760,655
Our Ref.: 300-27 DIV III

Petition to Withdraw Holding of Abandonment attached.

IN CASE OF INCOMPLETE OR INADEQUATE TRANSMISSION, PLEASE CALL Maria at: (516) 228-8484.

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SEP 08 2005

PATENT

Atty. Docket No. 300-27 DIV III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Burgess et al. GROUP: Art Unit 2832
SERIAL NO.: 10/760,655 EXAMINER: Klaus, Lisa Nhung
FILED: January 17, 2004 Date: September 8, 2005
FOR: PRESSURE ACTUATED SWITCHING DEVICE
AND METHOD AND SYSTEM FOR MAKING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313

PETITION UNDER 37 C.F.R. §1.181
TO WITHDRAW HOLDING OF ABANDONMENT

Sirs:

A Notice of Abandonment dated April 14, 2005 (copy attached) was issued in this application for failure of applicant to timely pay the required issue and publication fees. This Petition is based upon the failure of applicant to receive the original Notice of Allowance and Fee(s) Due.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax.No.: 703-872-9306) on the date shown below.

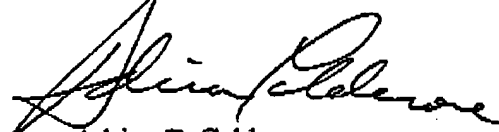
Dated: September 8, 2005


Maria Goldman

A search of the file jacket by the undersigned indicates that an Amendment in response to the Office Action of June 30, 2004 was mailed to the U.S. Patent and Trademark Office on August 27, 2004. After that, a Supplemental Notice of Allowability dated March 11, 2005 with an Examiner's amendment and indication of allowable subject matter was received in this office on March 15, 2005. After that, the next paper received from the U.S. Patent and Trademark Office was the Notice of Abandonment. Our records give no indication that the original Notice of Allowance and Fee(s) Due was ever received. In support of this a copy of the docket record is attached hereto. The last entry of the docket record relates to the two month due date for filing the Amendment discussed above. There is no indication any due date for payment of the issue/publication fees.

In view of the above, it is respectfully requested that the holding of Abandonment be withdrawn and that the Notice of Allowance and Fee(s) Due be remailed.

Respectfully submitted,



Adrian T. Calderone
Registration No. 31,746
Attorney for Applicant(s)

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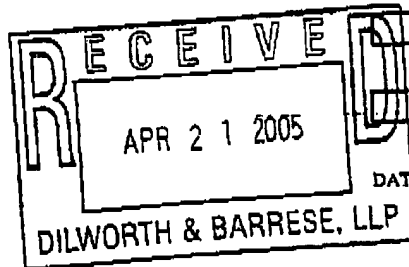


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,655	01/17/2004	Lester E. Burgess	300-27 DIV III	1017

28249 7590 04/14/2005
DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553



EXAMINER
KLAUS, LISA NHUNG
ART UNIT
2832

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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0760655

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

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DILWORTH BARRESE

#7048 P.006/006

Client #	300	27	DIV III	Application Title	PRESSURE ACTUATED SWITCHING DEVICE AND METHOD AND SYSTEM FOR MAKING SAME			
Client Reference #			Serial	10780655	Filed	1/17/2004	Attorney	ATC
					Date Opened	1/15/2004		
Client	Mr. Lester E. Burgess			Patent #/Registration #				
Comment				Leave Out				
IDS Due			Date Due	4/17/2004	Attorney	ATC	Date Complete	4/13/2004
2 MO. OA			Date Due	8/30/2004	Attorney	ATC	Date Complete	8/30/2004